

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DAMIEN HESS

Defendant.

Criminal No. 13-10275-PBS

VERIFIED PETITION PURSUANT TO 21 U.S.C. § 853(n)

The Petitioner, Hyperion Capital Inc. ("Hyperion"), hereby petitions this Court, pursuant to 18 U.S.C. § 982(b), 21 U.S.C. § 853(n), and Federal Rule of Criminal Procedure 32.2, for a hearing to adjudicate Hyperion's interest in the properties subject to forfeiture under this Court's February 4, 2015 Preliminary Order of Forfeiture.

In support of this Petition, Hyperion sets forth the following facts detailing the nature and extent of its right, title and/or interest in the subject properties, the time and circumstances of its acquisition of such right, title and/or interest in the properties, and other facts to support its claim:

1. Hyperion holds an interest in the following:
 - a. \$969.25 in United States currency, seized on October 11, 2013, from Wells Fargo Bank Account number ending in 4130, held in the name of Hyperion Capital Inc.;
 - b. \$21,111.93 in United States currency, seized on October 11, 2013, from Wells Fargo Bank Account number ending 9149, held in the name of Hyperion Capital.
2. The funds in these two Wells Fargo accounts do not constitute, and are not derived from, proceeds traceable to the offenses of Damien Hess.

3. The Wells Fargo account -4130 was the operating account for Hyperion Capital. The funds in this account relate only to Hyperion's day-to-day business and have no connection to Damien Hess' criminal activity.

4. The funds in Wells Fargo account -9149 were contributed entirely by Paula Ray, Hyperion's President. On or around May 17, 2013, Paula Ray wrote a \$50,000 check which was deposited into the Hyperion Wells Fargo Account -9149 on May 20, 2013.

5. The \$50,000 Ms. Ray contributed to Hyperion came directly from a \$66,500 insurance settlement she received in February 2013. This insurance settlement is unrelated to Damien Hess or Quest Corporation.

6. Neither Paula Ray nor Hyperion had knowledge of any fraud or wrongdoing by Damien Hess at the time these funds were contributed to Hyperion.

7. Petitioner is prepared to present documents proving Hyperion's interest in the subject properties.

8. Hyperion received actual notice of the Court's Preliminary Order of Forfeiture on March 13, 2015.

WHEREFORE, Petitioner requests that the Court conduct a hearing, determine the validity of the Petitioner's claim, and amend the order of forfeiture as necessary to reflect the Petitioner's interest.

Respectfully submitted,

/s/ Lauren A. Graber

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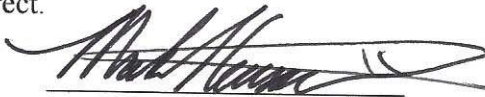
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Dated: April 10, 2015

VERIFICATION

I, Mark Henson, am Director of Hyperion Capital Inc. and am authorized to make this verification on its behalf. I have reviewed the foregoing Petition Pursuant to 21 U.S.C. § 853(n). I am informed and believe that the matters as stated herein are true. I declare under penalty of perjury that the foregoing is true and correct.



Mark Henson
On behalf of Hyperion Capital Inc.

Dated: April 10, 2015

CERTIFICATE OF SERVICE

I, Lauren A. Graber, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be send to those indicated as non-registered participants on April 10, 2015.

/s/ Lauren A. Graber
Lauren A. Graber, Esq.